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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,864	04/18/2001	Phillip Andre Bertolus	06821.0007-0100	7744
22852	7590	08/16/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			LIN, WEN TAI	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/836,864	BERTOLUS ET AL.	
	Examiner	Art Unit	
	Wen-Tai Lin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/18/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-83 are presented for examination.
2. Claims 3, 13, 19, 30, 38, 48, 54, 64, 70 and 80 are objected to because the following terms lack antecedent basis:

In claims 3, 19, 38, 54 and 70, "the server computers"; and

In claim 13, 30, 48, 64 and 80, "the raw data".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-11, 13-14, 16, 17-21, 24-28, 30-31, 33-40, 42-46, 48-49, 51-56, 58-62, 64-65, 67-72, 74-78, 80-81 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domenikos et al.(hereafter "Domenikos")[U.S. Pat. No. 5838916] in view of Lin et al.(hereafter "Lin")[U.S. Pat. No. 6052785].

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5. As to claim 17, Domenikos teaches the invention substantially as claimed including: a method for retrieving and processing stored information in a network containing address data, which is categorised into a priority listing [Abstract; Fig.4], comprising the steps of:

 sending a message from a remote computer to a central computer in the network identifying the remote computer and indicating that the remote computer is available to retrieve and process stored information from address data [col.3, lines 6-18; col.14, lines 3-8];

 receiving the message in the central computer and comparing the identity of the remote computer to stored identities for remote computers in the central computer [col.21, lines 34-37; col.12, lines 34-50; col.21, lines 37-42];

 in response to a match identifying the remote computer in the stored identities, retrieving at least one characteristic of the remote computer from stored characteristics in the central computer [col.14, lines 9-22];

 assigning and sending a processing message to the remote computer including address data selected by comparison of at least one characteristic of the remote computer with the priority listing of the address data to retrieve [col.14, lines 9-22 and col.21, lines 42-44];

 retrieving and processing information from the address data by the remote computer [col.14, lines 30-34; col.14, lines 35-58]; and

 sending the processed information from the address data to a predetermined storage location [216, Fig.6; col.18, lines 52-67].

Domenikos does not specifically teach that in response to a failure to identify the remote computer in the stored identities, optionally assigning an identity for the remote computer and a predetermined characteristic.

However, Lin teaches that in response to a failure to identify the remote computer in the stored identities, optionally assigning an identity for the remote computer and a a predetermined processing characteristic [Lin: col.9, lines 30-40 and 46-53]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Lin within the system of Domenikos, by optionally assigning an identity for the remote computer and a predetermined processing characteristic in response to a failure to identify the remote computer, within the retrieving and processing stored information in a network method, system and program because Domenikos teaches that any suitable file access control program may be employed [col.12, lines 52-60].

6. As to claims 18-19, Domenikos further teaches that at least one characteristic of the remote computer comprises a measure of the network connectivity of that remote computer, wherein said measure of the network connectivity of the remote computer is determined with reference to at least one of the server computers to which the remote computer is connected [col.17, lines 22-29].

7. As to claim 20, Domenikos further teaches that the step of selecting said address data includes a comparison of a processing characteristic of the remote computer with a priority listing of the address data [col.14, lines 9-29].

8. As to claim 21, Domenikos further teaches that said priority listing for a particular data address is determined on the basis of activity at that address [col.3, lines 32-50].

9. As to claim 24, Domenikos further teaches that the remote computer communicates with the central computer over a Transmission Control Protocol/Internet Protocol based network [col.10, line 65 – col.11, line 1].

10. As to claim 25, Domenikos further teaches that the remote computer communicates with the central computer over a local area network [col.9, lines 35-43].

11. As to claim 26, Domenikos further teaches that the address data comprises a location of stored information on the Internet [col.14, lines 30-34].

12. As to claim 27, Domenikos further teaches that the remote computer is directly connected to the computer on which the information to be retrieved is stored, such that the remote computer is able to retrieve said information without using the Internet [col.17, lines 48-56; col.18, lines 12-17].

13. As to claim 28, Domenikos further teaches that the step of sending a message to the central computer is initiated in response to a message from the central computer to ascertain if the remote computer is available to retrieve and process stored information from address data [col.13, lines 1-11; col.14, lines 9-19].

14. As to claim 30, Domenikos further teaches that the processing message includes a task and the raw data, and the raw data is processed in accordance with the task [col.11, lines 31-42].

15. As to claim 31, Domenikos further teaches that the address data comprises a batch of URLs (Universal Resource Locators) [col.14, lines 20-22].

16. As to claim 33, Domenikos further teaches that the predetermined storage location is at least one server computer communicating with the remote computer and the central computer [col.17, lines 22-29].

17. As to claims 1-5, 7-11, 13-14, 16, 34-40, 42-46, 48-49, 51-56, 58-62, 64-65, 67-72, 74-78, 80-81 and 83, since the features of these claims can also be found in claims 17-21, 24-28, 30-31 and 33, they are rejected for the same reasons set forth in the rejection of claims 17-21, 24-28, 30-31 and 33 above.

18. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Domenikos et al.(hereafter "Domenikos")[U.S. Pat. No. 5838916] and Lin et al. (hereafter "Lin")[U.S. Pat. No. 6052785], as applied to claims 17-21, 24-28, 30-31, 33-40, 42-46, 48-49, 51-56, 58-62, 64-65, 67-72, 74-78, 80-81 and 83 above, further in view of Schuetze et al.(hereafter "Schuetze")[U.S. Pat. No. 6751612].

19. As to claim 22, Domenikos does not specifically teach that said priority listing for a particular data address is determined on the basis of the frequency of updating the information at that address, or on the basis of the level of functionality associated with the information at that address.

However, Schuetze teaches a method of improving search efficiency for data distributed among a plurality of servers by ranking the servers in terms of frequency in which content is altered [Abstract; col.10, line 66 – col.11, line 4].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ Schuetze's teaching within the system of Domenikos so that Domenikos's file servers are ranked based on the information update rate because by doing so it would facilitate the search process by finding the most potential server for updated data [Domenikos: col.17, lines 44-64].

20. Claims 6, 15, 23, 32, 41, 50, 57, 66, 73 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domenikos et al.(hereafter "Domenikos")[U.S. Pat. No. 5838916] and Lin et al. (hereafter "Lin")[U.S. Pat. No. 6052785], as applied to

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claims 17-22, 24-28, 30-31, 33-40, 42-46, 48-49, 51-56, 58-62, 64-65, 67-72, 74-78, 80-81 and 83 above, further in view of Ueno et al.(hereafter "Ueno")[U.S. Pat. No. 5999995].

21. As to claims 6 and 23, Domenikos does not specifically teach that at least one characteristic of the remote computer comprises the time historically taken by that remote computer to process one unit of address data.

However, Ueno teaches that the remote processing characteristic is determined with reference to the time historically taken by the remote computer to process one unit of address data [col.4, lines 7-16].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Ueno within the system of Domenikos by implementing determining processing characteristic with reference to a processing time within the retrieving and processing stored information in a network method, system and program because such means enables the system to determine which files to provide to the client in a more efficient manner such that delay avoidance is maximized [Domenikos: col.2, lines 63-65 and col.13, lines 1-12].

22. As to claims 15 and 32, Domenikos does not specifically teach that the processed information is sent to the central computer in a compressed and streamed format.

However, Ueno teaches that the processed information is sent to the central computer in a compressed and streamed format [col.4, lines 53-56; col.6, lines 20-25].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Ueno within the system of Domenikos by sending the processed information in a compressed and streamed format because such means are known in the art to transfer data with greater accuracy and efficiency and Domenikos teaches that it is the object of the invention to overcome these deficiencies [col.2, lines 60-65].

23. As to claims 41, 50, 57, 66, 73 and 82, since the features of these claims can also be found in claims 17, 23, 32, 36, 52 and 68, they are rejected for the same reasons set forth in the rejection of claims 17, 23, 32, 36, 52 and 68 above.

24. Claims 12, 29, 47, 63 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domenikos et al.(hereafter "Domenikos")[U.S. Pat. No. 5838916] and Lin et al.(hereafter "Lin")[U.S. Pat. No. 6052785], as applied to claims 17-28, 30-46, 48-62, 64-78 and 80-83 above, further in view of Bakshi et al.(hereafter "Bakshi")[U.S. Pat. No. 6101328].

25. As to claims 12 and 29, Domenikos does not specifically teach that processed information is stored in the remote computer and sent to the predetermined storage location at predetermined times.

However, Bakshi teaches that processed information is stored in the remote computer and sent to the predetermined storage location at predetermined times [col.8, lines 45-54].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Bakshi within the system of Domenikos by storing in the predetermined storage location at predetermined times within the retrieving and processing stored information in a network method, system and program because Domenikos teaches that applications can be automated [see Domenikos: col.17, lines 37-39].

26. As to claims 47, 63 and 79, since the features of these claims can also be found in claims 17, 29, 36, 52 and 68, they are rejected for the same reasons set forth in the rejection of claims 17, 29, 36, 52 and 68 above.

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Conover et al.	[U.S. Pat. No. 6701314];
Reese	[U.S. Pat. No. 6374237];
Horvitz	[U.S. Pat. No. 6182133]; and
Carlsson	[U.S. PGPub 20020029224].

28. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

August 9, 2004

Wen-Tai Lin
8/9/04